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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,739	11/20/2003	Bin Zhang	200310996-1	8701

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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DANG, DUY M

ART UNIT	PAPER NUMBER
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2624

MAIL DATE	DELIVERY MODE
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09/28/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/717,739	ZHANG, BIN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Duy M. Dang	2624	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 15 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,9-14 and 17-27 is/are rejected.
- 7) ☒ Claim(s) 3-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/20/03</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Species I, claims 1-14 and 17-27 in the reply filed on 7/30/07 is acknowledged.
2. Claims 15-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species II, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 7/30/07.

### *Specification*

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### *Claim Rejections - 35 USC § 101*

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 12-14 and 17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In this case, claims 12-14 and 17 are directed to "a storage medium comprising program instructions." The claimed "storage medium" does not necessarily invoke "computer readable storage medium" and can be broadly referred to "paper or paper medium". Thus, paper or paper medium comprising program instructions is not considered as a "product" and thus these claims are directed to a non-statutory subject matter. Amendment to claims to read as "a computer

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readable storage medium embodied with a computer program instruction” or similar fashion is suggested in order to overcome this rejection. See MPEP 2106(IV) and 2106.01.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-2, 9-11, 12, 17-20, and 22-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsuruoka et al. (USPN 6,721,003).

Regarding claim 1, Tsuruoka a processor-based method comprising: regressively clustering pixels of an image (see extraction section 314 and regression section 315 of figure 14); and segmenting (see segmentation section 317 and extraction section 319 of figure 14) the image based upon said regressively clustering such that retrievable segments are formed within a memory (see buffers 318 and 320 of figure 14) coupled to a micro-processor conducting the processor-based method.

Regarding claim 2, Tsuruoka further teaches wherein said regressively clustering comprises clustering the pixels with respect to a color model charactering image (see RGB output from conversion 309 of figure 4. These RGB signals represent the color model charactering image).

Regarding claim 9, Tsuruoka further teaches mapping the pixels of the image into a three-dimensional color space prior to said regressively clustering the pixels (see conversion section 309 of figure 14. This conversion corresponds to the so called "mapping").

Regarding claim 10, Tsuruoka further teaches mapping the pixels is with respect to time (see sequentially scanned at line 1 of column 8).

Regarding claim 11, Tsuruoka further teaches displaying at least one of the image independent of another of the image segments (see display 800, notebook 810, and computer 809 of figure 22).

Regarding claim 12, the advanced statements as applied to claims 1-2 and 9-11 above are incorporated herein. Tsuruoka further teaches storage medium comprising program (see column 4 lines 58-60); generating a set of function, for each segment, which correlate criteria within the image, wherein each of the set of functions is based relative to a different primary color of a color model charactering the image (see column 16 lines 25-26).

Regarding claim 18, the advanced statements as applied to claims 1-2 and 9-12 above are incorporated herein. Tsuruoka further teaches an input port (see docking 802 of figure 22 and shown in figure 14). Tsuruoka further teaches static image (see camera 804 of figure 22) as required by claim 20.

Regarding claim 19, the rejection of claim 9 above is incorporated herein.

Regarding claim 22, the rejection of claim 11 above is incorporated herein.

Regarding claim 23-25 and 27, the advanced statements as applied to claims 1-2, 9-12, 18-20 and 22 above are incorporated herein.

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Regarding claim 26, Tsuruoka further teaches cyan-magenta-yellow color space (see figure 9).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuruoka.

The advanced statements as applied to claims 1-2, 9-12, 18-19 and 22-27 are incorporated herein. While Tsuruoka teaches docking station (802 of figure 22) for receiving a plurality of inputs, Tsuruoka does not explicitly teach receiving video image. It would have been obvious to one of ordinary skill in the art to modify Tsuruoka to receiving video image. By doing so would provide a broader applications.

***Allowable Subject Matter***

10. Claims 3-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 13-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and to overcome the rejection under section 35 USC 101 above.

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***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy M. Dang whose telephone number is 571-272-7389. The examiner can normally be reached on Monday to Friday from 6:00AM to 2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

dmd  
9/07

  
DUY M. DANG  
PRIMARY EXAMINER